

REMARKS

Initially, Applicants would like to express their appreciation to the Examiner for the detailed Official Action provided.

Claims 1-7 are currently pending. The Examiner has withdrawn claims 1-3 and 5-7 from consideration. Applicants respectfully request reconsideration of the outstanding rejections, and allowance of all the claims pending in the present application.

On pages 2 and 3 of the Official Action, claim 4 was rejected under 35 U.S.C. § 102(e) as being anticipated by SHIM et al. (U.S. Patent No. 6,332,924).

Applicants respectfully traverse the rejection of claim 4 under 35 U.S.C. § 102(e).

As an initial matter, Applicants submit that the SHIM et al. patent does not qualify as prior art against the present application. It is noted that the SHIM et al. patent issued as U.S. Patent No. 6,332,924 on December 25, 2001, from U.S. Patent Application No. 09/506,813, which was filed in the United States on February 18, 2000.

The present application was filed on March 16, 2004, and claims the benefit under 35 U.S.C. § 120 of parent U.S. Patent Application No. 09/926,588, which was filed on March 13, 2000 as International Application PCT/JP00/01513. Accordingly, the present application has an effective U.S. filing date of March 13, 2000. Further, the present application is entitled, under 35 U.S.C. § 119(a), to the benefit of the filing date of

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Japanese Application No. 11-141069 filed on May 21, 1999. A Claim for Priority was filed in the present application on March 16, 2004. A certified copy of Japanese Application No. 11-141069 was filed in parent application 09/926,588, and was acknowledged by the Examiner in the Official Actions in the present application dated October 18, 2004, November 10, 2005, October 10, 2006 and January 31, 2007.

Applicants are submitting herewith a verified English language translation of the Japanese priority document in order to perfect Applicants' Claim for Priority under 35 U.S.C. § 119.

Accordingly, Applicants submit that the SHIM et al. patent does not qualify as prior art, and is an inappropriate reference for use under any section of 35 U.S.C. § 102 or §103. In this regard, Applicants note that the filing date of the Japanese priority document (May 21, 1999) pre-dates the U.S. filing date of the SHIM et al. patent (February 18, 2000). For at least this reason, it is respectfully submitted that the Examiner's rejection is improper and should be withdrawn.

Independently of the above-noted inapplicability of the applied reference based on its date, the disclosure of the applied reference is also inadequate to render any of the pending claims unpatentable.

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Claim 4 recites, inter alia, “a discharge pressure regulating device for regulating a discharge pressure of said viscous material by increasing and decreasing a capacity of said pressure chamber when said viscous material inside said pressurized chamber is pressurized and discharged, wherein the discharge pressure regulating device includes an actuator and a diaphragm which is engaged by said actuator and which transforms under influence of said actuator and increases and decreases capacity inside said pressurized chamber.”

Applicants submit that SHIM et al. lacks any disclosure of a *discharge pressure regulating device* as recited in claim 4. In this regard, Applicants submit that the diaphragm pump 56 in SHIM et al., which includes the piston 76 and diaphragm 78, does not regulate a discharge pressure of viscous material by increasing and decreasing a capacity of a pressure chamber. Instead, it is clear from the disclosure of SHIM et al. that the diaphragm pump 56 is merely a pump, which expands a pumping cavity 80 to fill and reduces the pumping cavity 80 to discharge. Note, for example, the description in SHIM et al. at column 3, line 56 through column 4, line 5; column 5, lines 40-59; and column 6, lines 13-24. In contrast, the Examiner’s attention is directed, for example, to the discharge pressure regulating devices of the embodiments shown in Figures 3 and 4 of the present application.

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Applicants respectfully submit that the rejection of claim 4 under 35 U.S.C. § 102(e) based on SHIM et al. is improper at least for each and certainly for all of the above-noted reasons. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(e), and an early indication of the allowance of this claim.

SUMMARY AND CONCLUSION

Entry and consideration of the present remarks, reconsideration of the outstanding Official Action, and allowance of the present application and all of the claims therein are respectfully requested and now believed to be appropriate.

Applicants have made a sincere effort to place the present application in condition for allowance and believe that they have now done so.

Should there be any questions or comments, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,  
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Attachment :Verified English Language Translation of Japanese Application No. 11-141069